



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,962	09/10/1999	LESTER D. NELSON	103589	3538

25944 7590 01/30/2003

OLIFF & BERRIDGE, PLC  
P.O. BOX 19928  
ALEXANDRIA, VA 22320

EXAMINER

KIM, AHSHIK

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

09/393,962

Examiner

Ahshik Kim

Applicant(s)

NELSON ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11/29/02 (amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed on November 29, 2002. Claim 17 is  
5 canceled. Claims 1-16 and 18-22 remain for examination.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

- 10 (a) A patent may not be obtained though the invention is not identically disclosed or  
described as set forth in section 102 of this title, if the differences between the subject  
matter sought to be patented and the prior art are such that the subject matter as a whole  
would have been obvious at the time the invention was made to a person having ordinary  
15 skill in the art to which said subject matter pertains. Patentability shall not be negated  
by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the  
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various  
claims was commonly owned at the time any inventions covered therein were made absent any  
20 evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out  
the inventor and invention dates of each claim that was not commonly owned at the time a later  
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)  
and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 25 2. Claims 1-16 and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Reichek et al. (US 5,960,448) in view of Wittensoldner et al. (US 5,144,114).

Art Unit: 2876

Reichek teaches a system for controlling a presentation, wherein a bar code scanner senses a bar-coded presentation element identifier 1410 on a document (see col. 3, lines 55+ and figure 14). Controller 260 recognizes the scan and uses presentation database memory 240 to select the respective presentation element stored therein. Once selected, the presentation element  
5 is displayed on display device 121, which could be a screen projector, a flat panel display, or an overhead projector (col. 4, lines 26-31). The bar-coded document, generated by the system, may simply be a hard copy sheet of paper.

Reichek, however, fails to teach the presence of a control element identifier that associates a control element, the control element to be sensed by the controller and affects the  
10 presentation element in a predefined manner other than by visual modification of the presentation element.

Wittensoldner teaches a scanner system, in which the scanning of a bar code on a label increases or decreases the volume of an audible speaker used with the system. It would have been obvious to one of ordinary skill in the art at the time of invention was made to employ such  
15 a barcode to affect the presentation in a similar manner. Within the realm of scanning the bar code to show documents and other elements stored (as in Reichek), having a barcode to change the start the presentation, stop it, rewind it a frame, or change the volume of the presentation would be fall accordingly. Having this feature continues the automated operation of the presentation and provides convenience as it alleviates the need for handling extraneous devices  
20 to control the presentation, such as an attached, but separate speaker/amplifier device or playback device (similar to a VCR). The presenter would merely start or stop the presentation or change the volume by merely swiping a bar code, providing an easy and timing saving step.

*Response to Arguments*

3. Applicant's arguments filed on November 29, 2002 have been carefully considered, but they are not persuasive.

5        Upon further review of the Applicant's arguments, the original and amended claims, and the teachings disclosed in the reference to Reichel et al. (US 5,960,448), it is the Examiner's view that Reichel discloses at least one presentation element and the presentation element identifier.

10        As shown in Reichel (col. 3, lines 1-13), a treatment is a controllable presentation element. For example, highlighting a portion of text, displaying magnified (or blow-up) text or other visual effects can be considered one of presentable element. As further shown (col. 3, lines 41+), the presentable element is identified utilizing barcode, and it is the Examiner's interpretation that the barcode serves both purposes of identifying elements, and having the desired effect "turned on" (i.e. text being highlighted or magnified, etc.). Absence of script-id  
15        implies that the text would not be applied the particular presentable element the script-id is associated with.

20        The barcode, used in the embodiment shown in figure 14, entails a command such as "open" (col. 16, lines 48+). The barcode command triggering an action (as opposed to conventional use of data retrieval) automating business process is well known in the art and widely used in various industries. In view of the above, it would have been obvious to one of ordinary skill in the art to expand the usage of barcode improving overall effects of presentation. Incorporating sound (or other non-visual effects) to grab the attention of audience or to

Art Unit: 2876

emphasize a part of presentation is already incorporated in application such as Microsoft Powerpoint (col. 1, lines 14+) and other presentation software.

The amended claims and remarks describing these elements have been fully considered, but they are not persuasive, and therefore, the Examiner has made this Office Action final.

5

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10 A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37  
15 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20 I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ratus et al. (US 5,932,863); Domiteaux (US 5,959,281); Lemelson et al. (US 5,945,656); Furusawa (US 5,805,152); Austin et al. (US 5,781,708) discloses commands incorporated into barcodes or barcode controlling sounds.

II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (703)305-5203 . The

Art Unit: 2876

examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax number directly to the Examiner is (703) 746-4782. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Ahshik Kim  
Patent Examiner  
Art Unit 2876  
January 23, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800